

*** NOT FOR PUBLICATION ***

NO. 26429

IN THE SUPREME COURT OF THE STATE OF HAWAII

A. EDWARD FYFFE, JR., Plaintiff-Appellant

vs.

EVA HUE, in her capacity as Trustee of the EVA M. HUE REVOCABLE TRUST dated June 29, 1981; DOUG DAVIS; ALVIN T. ITO; BOB COOK REALTORS, INCORPORATED, a Hawai'i corporation; ROBERT L. COOK, JR.; CATHY-ANNE DESCOTEAUX (YOUNG); MARK DONNELLY;
Defendants-Appellees

and

JOHN DOES 2-10; JANE DOES 1-10; DOE CORPORATIONS 1-10; and DOE PARTNERSHIPS 1-10, Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 03-1-0688)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that Civil No. 03-1-0688 has been resolved as to all claims against all the parties. The February 4, 2004 judgment, the Honorable Dexter D. Del Rosario presiding, purports to be the final judgment on all claims, but the judgment does not include defendant Mark Donnelly as a party for whom judgment is entered. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 1190, 869 P.2d 1334, 1338 (1994) (In a multiple-party circuit court case in which all claims have been resolved, the judgment entered pursuant to HRCP 58 must enter judgment in favor of and against the parties on the claims against all the parties.). Thus, this appeal is premature

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and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, August 31, 2004.